**Universal Periodic Review – MEDIA BRIEF**

Monday, 11 May 2015 (Morning)

***(Disclaimer: The following brief is not an official record, provides a brief factual summary of the UPR Working Group meeting with the State under review, and does not cover all points addressed)***

|  |  |
| --- | --- |
| State under review | **United States of America**Represented by 21-member delegation headed by Ambassador Keith Harper, United States Permanent Representative to the Human Rights Council, Permanent Mission of the United States to the United Nations Office at Geneva, and Ms. Mary McLeod, Acting Legal Adviser, Department of State. |
| Documents | To access national report, compilation of UN information, and summary of stakeholders’ information, visit the [United States of America  page on UPR website](http://www.ohchr.org/EN/HRBodies/UPR/Pages/USSession22.aspx).  |
| Troika \* | Botswana, Netherlands, Saudi Arabia |
| Opening statement by State under review | **Few points raised in the  opening statement** of State under review:(See **full statement** on [United States of America  page on UPR Extranet](https://extranet.ohchr.org/sites/upr/Sessions/22session/USA/Pages/default.aspx) \*\*)* While combatting terrorism, the US continued to uphold its international obligations with regard to human rights, which formed part of the core values of the nation;
* Last December, the declassified summary of the Senate Select Committee on Intelligence report was publicly released, detailing the former CIA detention and interrogation programme. Steps have been taken to clarify the legal prohibition on torture applied everywhere and in all circumstances;
* The Government had confirmed its willingness to accommodate visits of the Special Rapporteur on torture in places of detentions;
* The tragic deaths of Freddie Gray in Baltimore, Michael Brown in Missouri, Eric Garner in New York, Tamir Rice in Ohio, and Walter Scott in South Carolina had renewed and longstanding and critical national debate about the even-handed administration of justice: these events challenged to do better and work harder;
* On the issue of surveillance and intelligence gathering, these activities were based on the rule of law. The US intelligence collection programmes and activities enjoyed several layers of internal oversight and were reporting to Congress on their activities;
* The US was already a party to several human rights treaties and the Government stood ready to work together with the Senate to ratify further instruments, such as the Convention on the Rights of People with Disabilities and the Convention on the Elimination of Discrimination against Women. The US was however currently not considering to become a party to the Rome Statute of the ICC;
* There was a significant engagement between the individual states and the federal Government. In many areas, States were at the forefront of enforcing anti-discrimination laws and implementing important reforms., especially in criminal justice;
* On capital punishment, the death penalty continues to be an issue of extensive debate. States making use of it authorized it only for the most serious crimes, in line with international treaties and obligations. In 2011, Illinois had become the 16th State to abolish the death penalty;
* The fact that many Afro-Americans and individuals from Indigenous communities were on death row remained a serious concern;
* Concerning sentencing the justice Department had launched a comprehensive review of the criminal justice system in 2013, called  Smart on Crime Initiative, which ensured just punishment for low-level, non-violent offenses;
* The US had a strong commitment to prevent violence against women, to hold perpetrators accountable and to ensure the safety of victims. The Violence against Women Act was reauthorized in 2013 and the White House had an adviser on violence against women since 2009;
* The issue of rights of LGBT individuals has been the subject of wide-ranging discussions in the US. At the federal level, the fight to end violence and discrimination against LGBT persons was prioritized. The US Armed Forces’ discriminatory “Don’t Ask, Don’t Tell” Policy also ceased**.**
 |
| Participants | In total **117 States participated** in the dialogue:  43 HRC members and 74 observers  (Statements available on [United States of America  page on UPR Extranet](https://extranet.ohchr.org/sites/upr/Sessions/22session/USA/Pages/default.aspx)) |
| Positive achievements | **Positive achievements** noted by delegations included, among others: * The strengthening of the social protection system in the United States;
* The creation of the Task Force on 21st Century Policing;
* Measures on addressing violence against women and to empower women in society;
* Steps taken to uphold the rights of LGBT persons;
* Improvements in access to health and the Affordable Care Act;
* The release of the report on CIA interrogation practise.
 |
| Issues and Questions | **Issues and questions raised** by the Working Group included, **among others**:* The use of the death penalty in the United States;
* Cases of excessive use of force by law enforcement;
* Racial discrimination, profiling and ensuring the rights of minorities, in particular African Americans;
* The functioning of and steps to close the Guantanamo Bay detention facility;
* Digital surveillance and the right to privacy;
* The ratification of core international instruments.
 |
| Recommendations  | States participating in the dialogue posed a series of **recommendations** to United States of America.  These pertained to the following issues, **among others**:  * To abolish capital punishment and to impose a national moratorium on the death penalty;
* To work towards closing the Guantanamo detention facility;
* To take measures to prevent acts of torture in areas outside the national territory under its effective control and prosecute perpetrators; To ensure victims of torture were afforded redress and assistance; to desist from targeted killings through drones;
* To take further measures to eliminate excessive use of force and discriminatory practices by law enforcement; To take additional measures to address the disproportionate impact of violence against lower income persons and minorities;
* To eliminate racial discrimination in all its forms and manifestations; to take further steps to prevent discrimination and racial profiling by authorities;
* to guarantee that the rights of minorities, migrants, vulnerable groups and indigenous peoples were fully realized; to consider alternatives to the detention of migrants, particularly children;
* To continue to take measures to combat violence against women; to prevent sexual violence in the military and ensure effective prosecution of offenders and redress for victims;
* To remove restrictions on abortion for US foreign assistance to permit its use for safe abortion in cases of rape;
* To review national laws and policies to ensure that all surveillance of digital communications was consistent with human rights obligations; To fully respect the right to privacy;
* To consider establishing a human rights institution in compliance with the Paris Principles;
* To consider extending a standing invitation to all Special Procedures;
* Ratification of [human rights instruments](http://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx): the Convention on the rights of the child and its three optional protocols; the ICESCR; the 2nd OP to the ICCPR; the Rome Statute of the ICC; the CEDAW; the CRPD; ILO Conventions 29 (forced labour) 138 (minimum age for admission to employment) and 189 (domestic workers) and 111 (employment and occupation); the OPCAT; and the Convention on the rights of migrant workers and members of their families.
 |
| Adoption of report of Working Group | The adoption of the report of the UPR Working Group on United States of America  is scheduled to take place on **Friday, 15 May 2015** |

\**The troikas are a group of three States selected through a drawing of lots who serve as rapporteurs and who are charged with preparing the report of the Working Group on the country review with the involvement of the State under review and assistance from the OHCHR.*